

BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

REGULAR MEETING AGENDA

AUGUST 15, 2007

7:30 PM COURTHOUSE COUNCIL CHAMBERS

ROLL CALL

PRAYER

APPROVAL OF THE MINUTES OF THE AUGUST 1, 2007 REGULAR MEETING

**ITEMS NOT ON THE AGENDA –
SUSPENSION OF THE RULES**

**PUBLIC COMMENT ON ANY PUBLIC MATTER
NOT ON THE AGENDA**

CHIEF EXECUTIVE'S REPORT

SECTION I **PRESENTATION**
COMMUNICATION NO. 07-556

Lynn E. Clark, Business Advocate, requesting time on 8/15/07 agenda to make a presentation on grand opening of the Legion Oasis Neighborhood Community Center

SECTION II PUBLIC HEARING

FOR THE PURPOSE OF FIXING THE FINAL BUDGET AND MAKING APPROPRIATIONS. (Communication No. 07-533 being held in Committee of the Whole) Proof of publication

SECTION III CONSENT AGENDA

- A. 1. COMMITTEE OF THE WHOLE MEETING REPORT
2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
3. JUDICIARY COMMITTEE MEETING REPORT

4. PUBLIC WORKS COMMITTEE MEETING

B. PETITIONS

1. 07-9 John Harrington, Building Official, requesting on behalf of Butte School District #1 to close and vacate a portion of Wyoming south of Silver Street.

C. COMMUNICATIONS

1. 07-548 Mike Andersen, Action Co-Director Library, requesting permission to dispose of computer and electronic equipment through county-sponsored recycling event. **Recommendation: concur and place on file.**
2. 07-549 R. Edward Banderob, requesting consideration of creation of a Greater Butte-Silver Bow Scenic Drive. **Recommendation: refer to Committee of the Whole.**
3. 07-550 J. R. Bell, Manager Rhino Lining of Southwest Montana, requesting permission to close Garden Avenue 8/25 and 9/29, 2007 to conduct a Truck Pulling Contest. **Recommendation: concur and place on file.**
4. 07-551 Patty Boggs, Health Coordinator, requesting permission to hold Annual Pow-Wow and Aids Fun Run 9/14 and 15 at the Civic Center. **Recommendation: refer to Committee of the Whole.**
5. 07-552 Paul Babb, Chief Executive, requesting concurrence in appointment of Cindy Shaw to Local Emergency Planning Committee. **Recommendation: concur and place on file.**
6. 07-553 Gary Keeler, Landfill Manager, requesting permission to conduct a bid opening 9/5/07 for construction of the Phase 3 Landfill Expansion. **Recommendation: schedule public bid opening for 9/5/097 and hold in Committee of the Whole.**
7. 07-554 Jim Smitham, Executive Director Butte Local Development Corporation, regarding proposed FY 2008 contract between Butte-Silver Bow and Butte Local Development Corporation. **Recommendation: refer to Judiciary Committee.**
8. 07-555 Gail Caron, Secretary Divide Grange #142, requesting waiver of license fee to conduct a raffle for the benefit of the Grange and Community Center at Divide. **Recommendation: concur with request and place on file.**

9. 07-557 Elissa Mitchell, Executive Director, requesting waiver of license fee to conduct a non-profit raffle for the benefit of the Human Resources Council District XII. **Recommendation: concur and place on file.**
10. 07-558 Mike Sheehy, Commissioner District 10, requesting approval for an ordinance allowing Covelite Theatre to sell beer and wine during theatre performances. **Recommendation: refer to Judiciary Committee.**
11. 07-559 Jeff Amerman, Finance and Budget Director, requesting authorization for Chief Executive to sign a Professional services contract with Harris Computer Systems. **Recommendation: concur and place on file.**
12. 07-560 Gary Keeler, Transit Manager, requesting authorization for Chief Executive to execute an amendment to the Transit 5311 Agreements. **Recommendation: concur and place on file.**

SECTION IV

ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY

1. COUNCIL RESOLUTION NO. 07-64

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY KNOWN AS 40 EAST GRANITE STREET, AND MORE PARTICULARLY DESCRIBED AS LOTS 5-9, BLOCK 25 OF THE ORIGINAL BUTTE TOWNSITE, AND THE ANCILLARY PROPERTY BACK-UP GENERATOR AND MUFFLERS FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND AMENDING COUNCIL RESOLUTION NO. 06-24 DATED APRIL 19, 2006 AND ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 07-67

A RESOLUTION VACATING, CLOSING DISCONTINUING AND ABANDONING A PORTION OF JEFFERSON STREET AND A PORTION OF THE ALLEY ADJACENT TO BLOCKS 5 AND 12 IN THE KEMPER ADDITION WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION AND FINDING THE NECESSARY FACTS HEREIN.

3. COUNCIL RESOLUTION NO. 07-68

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY PARTICULARLY DESCRIBED AS LOTS 3, 4, 5, 6, 7, 8 AND 9 IN BLOCK 12 OF THE ORIGINAL BUTTE TOWNSITE, LOCATED IN SECTION 13, TOWNSHIP 3 NORTH, RANGE 8 WEST, P.M.M., BUTTE-SILVER BOW COUNTY, MONTANA FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION V ORDINANCES AND RESOLUTIONS –
FINAL READING**

1. COUNCIL RESOLUTION NO. 07-60

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE ELK RIDGE ESTATES MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 07-61

A RESOLUTION CONTINUING THE LOCAL VEHICLE TAX FOR FISCAL YEAR 2007 – 2008 ON VEHICLES SUBJECT TO A REGISTRATION FEE UNDER SECTIONS 61-3-560 THROUGH 61-3-562, MCA AT A RATE OF 0.5% OF THE VALUE DETERMINED UNDER SECTION 61-3-503, MCA IN ADDITION TO THE REGISTRATION FEE IMPOSED UNDER SECTIONS 61-3-560 THROUGH 61-3-562, MCA, AS AUTHORIZED BY SECTION 61-3-537, MCA; DECLARING THAT A PUBLIC HEARING HAS BEEN HELD ON THE LOCAL VEHICLE TAX AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. COUNCIL RESOLUTION NO. 07-62

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE HOME DEPOT MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**4. COUNCIL BILL NO. 07-12
ORDINANCE NO. 07-12**

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 344 AND CHAPTER 2.24 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "LAW ENFORCEMENT COMMISSION"; ADDING A NEW SUBSECTION 2.24.040 (H), B-SB MC; PROVIDING FOR ADDITIONAL COMPENSATION FOR THE CHAIRMAN OF THE LAW ENFORCEMENT COMMISSION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

**SECTION VI ORDINANCES AND RESOLUTIONS –
SUSPENSION OF THE RULES**

1. COUNCIL RESOLUTION NO. 07-65

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY KNOWN AS 160 WEST GRANITE STREET, LEGALLY DESCRIBED AS LOT 11 IN BLOCK 23 OF THE ORIGINAL BUTTE TOWNSITE, BUTTE-SILVER BOW COUNTY, MONTANA FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 07-66

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY KNOWN AS 622 WEST GRANITE STREET, LEGALLY DESCRIBED AS LOT 5 IN BLOCK 9 OF THE PLYMOUTH ADDITION AND LOT 11 OF THE SILVER JOE AND CARRIE LODE, BUTTE-SILVER BOW COUNTY, MONTANA FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION VII CALENDAR OF OTHER MEETINGS AND EVENTS

Aug. 16	Zoning Board of Adjustment	5:30 PM	Council Chambers
Aug. 22	Port of Montana	Noon	Hub Center
Aug. 22	Urban Revitalization	9AM	Chief Executive's Conference Room
Aug. 23	Business Development Center	10AM	Business Development Center
Aug. 29	TIFID Board	11:30AM	305 W. Mercury
Aug. 30	Planning Board	7PM	Council Chambers
Sept. 3	Holiday		
Sept. 4	Historic Preservation Commission	Noon	Health Department
Sept. 4	Weed Board	7PM	Weed Department

Sept. 5	Fire Advisory Council	5PM	Chief Executive's Conference Room
Sept. 5	Health Department	7AM	Health Department
Sept. 5	Butte Aids Support Center	7PM	Community Center
Sept. 6	Civic Center	5PM	Civic Center Hospitality Room
Sept. 6	TIFID Board	Noon	304 W. Mercury

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COMMITTEE OF THE WHOLE MEETING REPORT
AUGUST 8, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Committee of the Whole Committee, respectfully recommend as follows:

SECTION I **COMMUNICATION NO. 07-374**

Dan Dennehy, Health Officer, requesting building inspection be conducted on the Health Department building at 25 W. Front Street and asking to allocate \$75,000 annual rent to long-term maintenance program. ***Committee recommends that Communication No. 07-374 be placed on file.***

SECTION II **COMMUNICATION NO. 07-393**

Robert L. White, President Big Butte Kiwanis, requesting permission to close uptown streets on 8/26/07 for Custom Car Show. ***Committee recommends that Communication No. 07-393 be held in abeyance.***

SECTION III COMMUNICATION NO. 07-447

The Lunch in the Park Board, requesting use of Emma Park 6/20/07 through 8/15/07 for Lunch in the Park and also closure of Silver Street between Colorado and Alaska. ***Committee recommends that Communication No. 07-447be placed on file.***

SECTION IV

COMMUNICATION NO. 07-486

Mykl Meagher, Manager Oakpark, requesting permission to purchase three adjoining lots to 432 S. Jackson Street. ***Committee recommends that Communication No. 07-486 be held in abeyance.***

SECTION V**COMMUNICATION NO. 07-509**

Charlie O'Leary, Chairman Council of Commissioners, requesting Council pursue some sizable federal dollars by enlisting the help of the Russ Reid Company for one year on a trail basis. *Committee recommends that Communication No. 07-509 be held in abeyance.*

SECTION VI**COMMUNICATION NO. 07-515**

Bill Melvin, Civic Center Manager, requesting approval to donate two sets of wooden bleachers to Montana Youth Challenge Foundation. *Committee recommends that Communication No. 07-515 be held in abeyance.*

SECTION VII**COMMUNICATION NO. 07-516**

Kevin Dennehy, Executive Director St. James Healthcare, requesting permission to organize Ticker Tuner Fun Run/Walk on 8/18/07. *Committee concurs with the request in Communication No. 07-516 and places it on file.*

SECTION VIII**COMMUNICATION NO. 07-533**

Jeff Amerman, Finance and Budget Department, requesting time on 8/1/07 agenda to make a presentation on the FY 2007 – 2008 Preliminary Budget. *Committee recommends that Communication No. 07-533 be held in abeyance.*

SECTION IX**COMMUNICATION NO. 07-534**

Karen Byrnes, Director, requesting approval of sale of E. Copper vacant property and authorization for County Attorney to prepare a resolution. *Committee recommends that Communication No. 07-534 be held in abeyance pending resolution.*

SECTION X**COMMUNICATION NO. 07-535**

Rob Macioroski, Director Land Records Department, approval of sale of 160 W. Granite Street and authorization for County Attorney to prepare a resolution. *Committee recommends that Communication No. 07-535 be held in abeyance pending resolution.*

SECTION XI**COMMUNICATION NO. 07-536**

Rob Marcioroski, Director Land Records Department requesting approval of sale of 622 W. Granite Street and authorization for County Attorney to prepare a resolution. *Committee recommends that Communication No. 07-536 be held in abeyance pending resolution.*

**FINANCE AND BUDGET COMMITTEE MEETING
REPORT**

AUGUST 8, 2007

NO COMMUNICATIONS

JUDICIARY COMMITTEE MEETING REPORT

AUGUST 8, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Judiciary Committee, respectfully recommend as follows:

SECTION I **COMMUNICATION NO. 07-368**

J. R. Richardson, Business Manager Butte Public Schools, requesting council forgive back taxes on Parcel No. 1901770 in the Butte Townsite. ***Committee recommends that Communication No. 07-368 be approved and placed on file.***

SECTION II COMMUNICATION NO. 07-464

Jim Smitham, Executive Director, requesting contract with Butte Local Development Corporation for FY 2007-08. ***Committee recommends that Communication No. 07-464 be referred to the Chief Executive and placed on file.***

SECTION III COMMUNICATION NO. 07-503

Cheri Brownell, requesting council consider setting aside certain areas for the setting off of fireworks. *Committee recommends that Communication No. 07-503 be held in abeyance.*

SECTION IV

COMMUNICATION NO. 07-514

John Davis, requesting restrictions be placed on the use of fireworks. *Committee recommends that Communication No. 07-514 be combined with Communication No. 07-503 and held in abeyance.*

SECTION V **COMMUNICATION NO. 07-526**

John M. Moodry, Supervisor Weed Department, requesting time on 8/1/07 agenda to present a plan for Ordinance No. 196 being transferred from the Public Works Department to the Weed Department. ***Committee recommends that Communication No. 07-526 be approved and placed on file.***

SECTION VI**COUNCIL RESOLUTION NO. 07-60**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE ELK RIDGE ESTATES MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-60 be placed on final reading and passed.*

SECTION VII**COUNCIL RESOLUTION NO. 07-61**

A RESOLUTION CONTINUING THE LOCAL VEHICLE TAX FOR FISCAL YEAR 2007 – 2008 ON VEHICLES SUBJECT TO A REGISTRATION FEE UNDER SECTIONS 61-3-560 THROUGH 61-3-562, MCA AT A RATE OF 0.5% OF THE VALUE DETERMINED UNDER SECTION 61-3-503, MCA IN ADDITION TO THE REGISTRATION FEE IMPOSED UNDER SECTIONS 61-3-560 THROUGH 61-3-562, MCA, AS AUTHORIZED BY SECTION 61-3-537, MCA; DECLARING THAT A PUBLIC HEARING HAS BEEN HELD ON THE LOCAL VEHICLE TAX AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-61 be placed on final reading and passed.*

SECTION VIII**COUNCIL RESOLUTION NO. 07-62**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE HOME DEPOT MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-62 be placed on final reading and passed.*

SECTION IX**COUNCIL BILL NO. 07-12****ORDINANCE NO. 07-12**

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 344 AND CHAPTER 2.24 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “LAW ENFORCEMENT COMMISSION”; ADDING A NEW SUBSECTION 2.24.040 (H), B-SB MC; PROVIDING FOR ADDITIONAL COMPENSATION FOR THE CHAIRMAN OF THE LAW ENFORCEMENT COMMISSION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-12 be placed on final reading and passed*

SECTION X**CLAIM APPROVAL**

371	Don Scheidecker	\$600.00	Demo Bond Refund
372	Josh Trudgeon	200.00	Demo Bond Refund

Committee recommends approval of above claims.

PUBLIC WORKS COMMITTEE MEETING REPORT

AUGUST 8, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Public Works Committee, respectfully recommend as follows:

SECTION I

Jon Sesso, Planning Director, requesting council prioritize road improvement project – intersection of Beef Train Road and Little Basin Creek Road.
Committee recommends that Communication No. 06-661 be held in abeyance.

SECTION II **PETITION NO. 07-6**

John Harrington, Building Official, requesting on behalf of Three Dog Holdings, Inc. to close and vacate a portion of Meadowlark Lane in SE ¼ of Section 32, T3N, R7W. ***Committee recommends that Petition No. 07-6 be held in abeyance.***

SECTION III **PETITION NO. 07-7**

John Harrington, Building Official, requesting on behalf of Joe J. Shoemaker to close and vacate a portion of alley adjacent to blocks 5 and 12 in the Kemper Addition. ***Committee recommends that Petition No. 07-7 be held in abeyance.***

SECTION IV

Cindi Shaw, Commissioner District 11, regarding request for review of traffic concerns on E. Woolman Street. ***Committee recommends that Communication No. 07-165 be held in abeyance.***